

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4493 of 2016

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Ajay Kumar Jha, Son of Late Brajnandan Jha, Resident of Villaeg - Belahi, P.O. - Lohat, P.S. - Pandaul, District - Madhubani, at present resides at Mohalla - Chapki Panchayat Bhawan (South Part), P.O. - Laxmisagar, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna.
3. The Special Land Acquisition Officer, Koshi Yojna, Darbhanga.
4. The Treasury Officer, Darbhanga.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv. with
Mr. Lalit Narayan Jha, Adv.

For the Respondent-State : Mr. Tej Pratap Singh, AC to AAG-13

For the Respondent-AG : Mr. Kumar Priya Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-05-2018

Heard Mr. Baxi S.R.P. Sinha, learned senior counsel appearing for the petitioner with Mr. Lalit Narayan Jha, the Advocate on record, Mr. Tej Pratap Singh, learned Assisting Counsel to Additional Advocate General No.13 for the State and Mr. Kumar Priya Ranjan, learned counsel appearing for the Accountant General.

The grievance of the petitioner is that he has been denied the benefits under the Assured Career Progression Scheme, 2003 as well as the Modified Assured Career Progression Scheme, 2010.

Mr. Sinha, learned senior counsel appearing for the



petitioner refers to paragraph 5 of the supplementary affidavit filed in the present proceeding to submit that while the petitioner was entitled to first progression on 9.8.1999 in the scale of Rs.5000-8000/-, the second progression with effect from 22.12.2001 in the scale of Rs.5500-9000/- and third progression under the Modified Career Progression Scheme, 2010 with effect from 22.12.2011 in the scale of Rs.6500-10,500/.

In reference to the representation placed at Annexure-4 he submits that the same was filed before the Director, Land Acquisition and Rehabilitation, Water Resource Department Bihar, Patna on 24.03.2015 prior to his superannuation on 31.03.2015 which has remained pending.

While a counter affidavit is filed on behalf of the Accountant General mentioning that the matter is pending at the stage of the departmental authority and despite reminder no answer is coming, no counter affidavit is filed on behalf of the respondent-State though the writ petition is pending since more than two years.

Having heard learned counsel for the parties and considering that the grievance for grant of benefits under the Assured Career Progression Scheme, 2003 and the Modified Assured Career Progression Scheme, 2010 was raised by the petitioner prior to his superannuation and has remained pending, I



deem it proper to direct the respondent No.2, the Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna to consider the grievance of the petitioner and dispose of the same in accordance with law within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-05-2018
Transmission Date	NA

